

# **Exhibit A**

CHAPTER 160

S. 8706

A. 10564

# SENATE—ASSEMBLY

February 20, 1974

IN SENATE—Introduced by Sens. LEVY, SWARTZ—(at request of the Department of Labor)—read twice and ordered printed, and when printed to be committed to the Committee on Labor

IN ASSEMBLY—Introduced by Mr. REILLY—Multi-Sponsored by—Messrs. CAPUTO, CARROLL, G. A. MURPHY, SUCHIN, LILL, S. POSNER—read once and referred to the Committee on Labor

## AN ACT

Not To amend the labor law, in relation to deductions from wages

Compared by

Approved

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Date

No. of printed bills

No. of exposures

17

CHAPTER 160

S. 8706

A. 10554

# SENATE—ASSEMBLY

February 20, 1974

IN SENATE—Introduced by Sens. LEVY, AWARDER—(at request of the Department of Labor)—read twice and ordered printed, and when printed to be committed to the Committee on Labor

IN ASSEMBLY—Introduced by Mr. REILLY—Multi-Sponsored by Messrs. CAPUTO, CARROLL, G. A. MURPHY, SUCHIN, LILI, S. POSNER—read once and referred to the Committee on Labor

## AN ACT

Not To amend the labor law, in relation to deductions from wages

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CALENDAR NO.

476

## STATE OF NEW YORK

S. 8706

A. 10554

## SENATE—ASSEMBLY

Read &amp; Passed on

February 20, 1974

IN SENATE

MAR 5 - 1974

To Committee of Whole

As of SENATORS

IN SENATE—Introduced by Sens. LEVY, WARDER—(at request of the Department of Labor)—read twice and ordered printed, and when printed to be committed to the Committee on Labor

IN ASSEMBLY—Introduced by Mr. REHRIG, Multi-Sponsored by—Messrs. CAPUTO, CARROLL, G. A. MURPHY, LILL, S. POSNER—read once and referred to the Committee on Labor

IN SENATE  
MAR 6 - 1974

To Third Reading

## AN ACT

To amend the labor law, in relation to deductions from wages

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

- 1 Section 1. Subdivision two of section one hundred ninety-three of
- 2 the labor law is hereby renumbered to be subdivision three, and
- 3 such section is hereby amended by inserting therein a new sub-
- 4 division two, to read as follows:

- 5 *2. No employer shall make any charge against wages, or require*
- 6 *an employee to make any payment by separate transaction unless*
- 7 *such charge or payment is permitted as a deduction from wages*
- 8 *under the provisions of subdivision one of this section.*

- 9 § 2. This act shall take effect on the first day of October next
- 10 succeeding the date on which it shall have become a law.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

CALENDAR NO.

476

## STATE OF NEW YORK

S. 8706

A. 10554

## SENATE — ASSEMBLY

Placed on

February 20, 1974

IN SENATE

MAR 5 - 1974

To Committee of Whole

Sigs of SENATORS

IN SENATE—Introduced by Sens. LEVY, WARDER—(at request of the Department of Labor)—read twice and ordered printed; and when printed to be committed to the Committee on Labor

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IN SENATE

MAR 6 - 1974

To Third Reading

## AN ACT

To amend the labor law, in relation to deductions from wages

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- 10 succeeding the date on which it shall have become a law.

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

DATE PASSED 3/25 DATE SOLICITED 3/26 BILL # S-8706  
 Coprint # \_\_\_\_\_

☒ Lt. Governor  
☒ Attorney General  
☒ Comptroller  
☒ Secretary to the Governor  
☒ Budget  
☒ Planning Services  
☒ Sponsor  
 Adirondack Park Agency  
 Aging  
 Agriculture & Markets  
 Architecture  
 Arts  
 Atomic & Space Development  
 Banking  
 Cable Television Comm.  
 Civil Service  
 Commerce  
☒ Consumer Protection Board  
 Correctional Services  
 Crime Victims Compensation  
 Criminal Justice Services  
 Dormitory Authority  
 Education Department  
☒ Employee Relations  
 Environmental Conservation  
 Equalization & Assessment  
 General Services  
 Health  
 Health & Men, Hyg. Fac. Imp. Corp.  
 Housing & Community Renewal  
 Housing Finance Agency  
 Human Rights  
 Insurance Department  
 Job Development  
☒ Labor  
☒ Local Government  
 Mental Hygiene  
 Metropolitan Transp. Auth.  
 Military & Naval Affairs  
 Mortgage Agency  
 Motor Vehicles  
 Municipal Bond Bank Agency  
 Narcotic Addiction Control  
 Parks & Recreation  
 Pension Commission  
 Port Authority  
 Power Authority  
 Probation  
 Public Employment Rel. Bd.  
 Public Service  
 Racing & Wagering Board  
 Social Services  
 Social Welfare, Bd. of  
 State Department  
 State Investigation Comm.  
 State Liquor Authority  
 State Police  
 State University  
 Taxation & Finance  
 Thruway Authority  
 Transportation  
 Urban Development Corp.  
 Veterans' Affairs  
 Waterfront Commission  
 Welfare Inspector General  
 Workmen's Comp.  
 Youth

Judicial Conference  
 Law Revision Comm.  
 NYS Bar Association  
 NYS Trial Lawyers Assn.  
 Assn. of Bar of N.Y.C.  
 Bar Assn. of \_\_\_\_\_ County  
☒ District Attorneys Assoc.  
☒ NY Civil Liberties Union  
 County Judges Assn.  
 Family Court Judges  
 Magistrates Assn.  
 Supreme Court Justices  
 Surrogates Assn.  
☒ AFL-CIO  
☒ Associated Industries  
☒ Commerce & Industry Assn.  
☒ Community Serv. Society  
 Assn. of Towns  
 County Officers Assn.  
 Conference of Mayors  
 Big Six Mayors  
 Mayor \_\_\_\_\_  
 Town Sup.  
 Co. Leg.  
 Co. Atty.  
 Co. Exec.  
 Temp. State Com. on:  
 Joint Leg. Com. on:

Supplemental Sheet 1

FILE #

S-8706

Caption:

LABOR

- ☒ Amalgamated Clothing Workers of America
- ☒ Amalgamated Transit Union, AFL-CIO, Div. 1131
- ☒ American Arbitration Association
- ☒ American Civil Liberties Union
- ☒ American Federation of State, County & Municipal Employees, AFL-CIO
- ☐ Association of American Railroads
- ☐ Brotherhood of Locomotive Engineers
- ☐ Brotherhood of Maintenance of Way Employees
- ☐ Brotherhood of Railroad Trainmen
- ☐ Brotherhood of Railway, Airlines & S.S. Clerks
- ☐ Civil Service Employees Association, Inc.
- ☐ Council 50 - American Federation of State, County & Municipal Employees, AFL-CIO
- ☒ Council 37 - A.F.S.C.M.E.
- ☒ International Brotherhood of Teamsters, Joint Council #16
- ☐ International Longshoremen's Assn., AFL-CIO
- ☒ New York City Central Labor Council
- ☐ N.Y.S. Advisory Council on Employment and Unemployment Insurance
- ☐ N.Y.S. Division of Employment (Labor Dept.)
- ☒ N.Y.S. Labor Relations Board
- ☐ N.Y.S. Mediation Board
- ☒ N.Y.S. Council of Hotel, Restaurant Employees Bartenders International Union-AFL-CIO
- ☐ Port Watchmen's Union I.W.A., Local 1456
- ☐ Security Unit Employees Council 82
- ☐ Transport Workers Union of America, AFL-CIO
- ☐ Uniformed Sanitationmen's Association
- ☐ United Transportation Union

5 8706

APR 2



NORMAN J. LEVY  
8TH DISTRICT  
CHAIRMAN  
COMMITTEE ON LABOR

THE SENATE  
STATE OF NEW YORK  
ALBANY 12224

DISTRICT OFFICE  
3303 RAILROAD AVENUE  
WANTAGH, NEW YORK  
TEL (516) 785-8404

March 27, 1974

Honorable Michael Whiteman  
Executive Chamber  
State Capitol  
Albany, New York

Dear Mike:

Enclosed is Senate bill No. 8706 and  
accompanying memorandum.

This bill is awaiting the Governor's  
signature and I respectfully urge that  
positive action be taken on this bill.

Best wishes and kindest personal  
regards.

Sincerely,

A handwritten signature of Norman J. Levy, written in dark ink.

encl  
NJL/ah

NORMAN J. LEVY  
Senator - 8th District

01

LHM #12-76

February 11, 1976

Senate No. 8706

Assembly No. \_\_\_\_\_

MEMORANDUM

AN ACT to amend the labor law, in  
relation to deductions from wages.

Purpose of Bill:

To prohibit wage deductions by indirect means where direct deductions would violate the statute.

Summary of provisions of bill:

The bill amends Section 193 of the Labor Law to make unlawful the deduction of wages by indirect means where such deductions would not be permitted under the provisions of Section 193, subd. 1.

Statements in support of Bill:

The Labor Department has encountered many instances where a prospective or current employee has been required, as a condition of obtaining or continuing in employment, to agree to reimburse the employer for monetary loss which the employer may deem attributable to him. For example, an employee whose duties involve the regular handling of cash may "agree" that after receiving his full pay he will reimburse the employer for any shortages found in his account. Likewise in relation to breakage, spoilage or damage of the employer's equipment. A direct deduction from wages to satisfy this type of arrangement would violate Section 193 since it is neither specifically authorized nor encompassed under the catch-all clause in the section "similar payments for the benefit of the employee." (Emphasis supplied) Since, in most instances, agreements to reimburse the employer by separate transaction are in no sense voluntary, the Labor Department has been administratively ruling such arrangements to be unlawful, i.e., an attempt to do indirectly what cannot be done directly. A 1970 decision of the New Jersey Superior Court, Appellate Division, directly supports this interpretation. (*Mala v. Acme Markets, Inc.*, 62 Labor Cases, Par. 52, 292, 1970.) This bill, by codifying the Department's position and giving it statutory force and effect, would eliminate unnecessary litigation.

Budgetary Implications:

The Labor Department's Division of Labor Standards is prepared to absorb the additional costs involved until sufficient experience is gained to make an assessment of the increased workload.

LDM #12-74

February 13, 1974

Senate No. 8700

Assembly No. \_\_\_\_\_

MEMORANDUM

AN ACT to amend the Labor Law, in relation to deductions from wages.

Purpose of Bill:

To prohibit wage deductions by indirect means where direct deductions would violate the statute.

Summary of provisions of bill:

The bill amends Section 193 of the Labor Law to make unlawful the deduction of wages by indirect means where such deductions would not be permitted under the provisions of Section 193, subd. 1.

Statements in support of Bill:

The Labor Department has encountered many instances where a prospective or current employee has been required, as a condition of obtaining or continuing in employment, to agree to reimburse the employer for monetary loss which the employer may deem attributable to him. For example, an employee whose duties involve the regular handling of cash may "agree" that after receiving his full pay he will reimburse the employer for any shortages found in his account. Likewise in relation to breakage, spoilage or damage of the employer's equipment. A direct deduction from wages to satisfy this type of arrangement would violate Section 193 since it is neither specifically authorized nor encompassed under the catch-all clause in the section "similar payments for the benefit of the employee." (Emphasis supplied) Since, in most instances, agreements to reimburse the employer by separate transaction are in no sense voluntary, the Labor Department has been administratively ruling such arrangements to be unlawful, i.e., an attempt to do indirectly what cannot be done directly. A 1970 decision of the New Jersey Superior Court, Appellate Division, directly supports this interpretation. (Male v. Acme Markets, Inc., 62 Labor Cases, Par. 52, 292, 1970.) This bill, by codifying the Department's position and giving it statutory force and effect, would eliminate unnecessary litigation.

Budgetary Implications:

The Labor Department's Division of Labor Standards is prepared to absorb the additional costs involved until sufficient experience is gained to make an assessment of the increased workload.

APR 1 REC'D

5 8/106

OFFICE OF  
THE INDUSTRIAL COMMISSIONER  
ALBANY

March 26, 1974

## DEPARTMENT OF LABOR

SENATE

8706

Introduced by Sen. Levy, Wardet

RECOMMENDATION:

Approval.

STATUTE INVOLVED:

Labor Law, § 193, subd. 2

EFFECTIVE DATE:

October 1, 1974

DISCUSSION:1. Purpose of bill:

To prohibit wage deductions by indirect means where direct deductions would violate the statute.

2. Summary of provisions of bill:

The bill amends Section 193 of the Labor Law to make unlawful the deduction of wages by indirect means where such deductions would not be permitted under the provisions of Section 193, subd. 1.

3. Previous legislative history:

None.

4. Known position of others respecting bill:

Not known.

5. Budget implications:

The Labor Department's Division of Labor Standards is prepared to absorb the additional costs involved until sufficient experience is gained to make an assessment of the increased workload.

6. Statements in support of bill:

The Labor Department has encountered many instances where a prospective or current employee has been required, as a condition of obtaining or continuing in employment, to agree to reimburse the employer for monetary loss which the employer may deem attributable to him. For example, an employee whose duties involve the regular handling of cash may "agree" that after receiving his full pay he will reimburse the employer for any shortages found in his account. Likewise in relation to breakage, spoilage or damage of the employer's equipment. A direct deduction from wages to satisfy this type of arrangement would violate Section 193

APR 1 1974

S 8706

OFFICE OF  
THE INDUSTRIAL COMMISSIONER  
ALBANY

March 28, 1974

## DEPARTMENT OF LABOR

SENATE

8706

Introduced by Sens. Levy, Warden

RECOMMENDATION:

Approval

STATUTE INVOLVED:

Labor Law, § 193, subd. 2

EFFECTIVE DATE:

October 1, 1974

DISCUSSION:1. Purpose of bill:

To prohibit wage deductions by indirect means where direct deductions would violate the statute.

2. Summary of provisions of bill:

The bill amends Section 193 of the Labor Law to make unlawful the deduction of wages by indirect means where such deductions would not be permitted under the provisions of Section 193, subd. 1.

3. Previous legislative history:

None.

4. Known position of others respecting bill:

Not known.

5. Budget implications:

The Labor Department's Division of Labor Standards is prepared to absorb the additional costs involved until sufficient experience is gained to make an assessment of the increased workload.

6. Statements in support of bill:

The Labor Department has encountered many instances where a prospective or current employee has been required, as a condition of obtaining or continuing in employment, to agree to reimburse the employer for monetary loss which the employer may deem attributable to him. For example, an employee whose duties involve the regular handling of cash may "agree" that after receiving his full pay he will reimburse the employer for any shortages found in his account. Likewise in relation to breakage, spoilage or damage of the employer's equipment. A direct deduction from wages to satisfy this type of arrangement would violate Section 193

DEPARTMENT OF LABOR

March 28, 1974

SENATE

8706

since it is neither specifically authorized nor encompassed under the catch-all clause in the section "similar payments for the benefit of the employee." (Emphasis supplied). Since, in most instances, agreements to reimburse the employer by separate transaction are in no sense voluntary; the Labor Department has been administratively ruling such arrangements to be unlawful, i.e., an attempt to do indirectly what cannot be done directly. A 1970 decision of the New Jersey Superior Court, Appellate Division, directly supports this interpretation. (*Male v. Acme Markets, Inc.*, 62 Labor Cases, Par. 52, 292; 1970.) This bill, by codifying the Department's position and giving it statutory force and effect, would eliminate unnecessary litigation.

7. Observations to the bill:

Employers may argue that when employees are held accountable for cash shortages or damage to equipment they tend to be more honest in their handling of cash and more careful in their handling of equipment.

8. Comments for recommendations:

This "is" bill.

*Louis L. Levine*  
 Louis L. Levine  
 Industrial Commissioner

DEPARTMENT OF LABOR

- 2 -

March 28, 1974

SENATE

8706

since it is neither specifically authorized nor encompassed under the catch-all clause in the section "similar payments for the benefit of the employee." (Emphasis supplied) Since, in most instances, agreements to reimburse the employer by separate transaction are in no sense voluntary, the Labor Department has been administratively ruling such arrangements to be unlawful, i.e., an attempt to do indirectly what cannot be done directly. A 1970 decision of the New Jersey Superior Court, Appellate Division, directly supports this interpretation. (Male v. Acme Markets, Inc., 62 Labor Cases, Par. 52, 292, 1970.) This bill, by codifying the Department's position and giving it statutory force and effect, would eliminate unnecessary litigation.

7. Objections to the bill:

Employers may argue that when employees are held accountable for cash shortages or damage to equipment they tend to be more honest in their handling of cash and more careful in their handling of equipment.

8. Reasons for recommendations:

See "6" above.

*Louis L. Levine*  
Louis L. Levine  
Industrial Commissioner

APR 5 1974

MEMORANDUM

Department of Commerce

April 4, 1974

SENATE  
8706

Introduced by  
Mr. Levy

RECOMMENDATION: The Department of Commerce has no objection to this bill.

STATUTE INVOLVED: Labor Law.

EFFECTIVE DATE: October 1, after it shall become law.

DISCUSSION:

1. Purpose of bill: To amend the Labor Law by renumbering subdivision 1 of Section 193 to be subdivision 3, and by inserting a new subdivision, to be subdivision 2, to protect employees from indirect illegal wage deductions.
2. Summary of provisions: Employers are denied the right to make any charge against wages, or to require an employee to make any payment by separate check or action unless said charge or payment is permitted under the provisions of subdivision 1 of Section 193 of the Labor Law.
3. Prior legislative history: None.
4. Known position of others: This is a Labor Department sponsored bill. Associated Industries and the Empire State Chamber of Commerce take no position, while the New York Chamber of Commerce & Industry has no objection to it.
5. Budget implications: Unknown.
6. Arguments in support: The bill would prohibit the deduction for wages, by indirect means, where such deduction by direct means would violate the law. It would codify present administrative interpretation.
7. Arguments in opposition: Unknown.

05

*Walter H. Taylor*  
Commissioner

Form B-201(a) (4/68)

BUDGET REPORT ON BILL

APR 2

RECD

Session Year 1974

SENATE

No. 8706

Introduced by:

Senators Levy, Warder

ASSEMBLY

No.

Law: Labor

Subject and Purpose (Brief Recapitulation): Effective October 1, 1974, this bill would prohibit indirect deductions against employees' wages where direct deductions are violations of present Labor Law.

Division of the Budget recommendation on the above bill:

Approve: ☒ Veto: ☒ No Objection: ☐ No Recommendation: ☐

This bill is identical to (X) very similar to ( )

Department of Labor

(department or agency)

No. 12

which

was submitted as a departmental bill this year. The points made in our earlier analysis of the departmental bill are still valid and our recommendation is unchanged.

(If the very similar category is checked, list below the changes contained in the bill as passed and discuss them to the required extent.)

6

Date: March 28, 1974

Examiner:

George Mitchell

Vincent E. LaFollette, Assistant Chief Budget Examiner (Management)

Clap 160  
TOK

\$ 8706

FRENCH, FINK, MARKLE & MCCALLION  
COUNSELLORS AT LAW

110 EAST 42ND STREET

NEW YORK, N.Y. 10017

HARRY H. FRENCH (1888-1945)  
JOSEPH S. FINK (1888-1945)  
JOSEPH MARKLE  
RONALD S. MCCALLION  
ROBERT J. FINK  
FRED P. ELLISON

FRANCIS J. KILKELLY  
MAX BEIT

TELEPHONE  
OXFORD 7-0880

April 3, 1974

Hon. Michael Whiteman  
Executive Chamber  
State Capitol  
Albany, New York 12224

Re: S. 8706

Dear Sir:

As counsel to the Building Industry Employers of New York State and the Building Trades Employers' Association of the City of New York, which associations have for their membership approximately 2700 building construction contractors doing business throughout the state, we write to advise you that the associations we represent approve of the provisions of the above bill which was introduced by Senators Levy and Warder, and which has now passed both Houses of the Legislature.

We trust that the Governor will see fit to sign this bill into law.

Respectfully,

*French, Fink, Markle & McCallion*

FRENCH, FINK, MARKLE & MCCALLION

Clap 160

\$ 8706

70K

FRENCH, PINK, MARKLE & McCALLION

COUNSELLORS AT LAW

110 EMMETT STREET

NEW YORK, N.Y. 10001

FRANCIS J. FRENCH  
JOSEPH E. PINK  
ROBERT MARKLE  
DONALD S. McCALLION  
ROBERT J. MARK  
FRED McALLISON

FRANCIS J. FRENCH  
MANAGER

April 3, 1974

Hon. Michael Whiteman  
Executive Chamber  
State Capitol  
Albany, New York 12224

Re: S. 8706

Dear Sir:

As counsel to the Building Industry Employers of New York State and the Building Trades Employers' Association of the City of New York, which associations have for their membership approximately 2700 building construction contractors doing business throughout the state, we write to advise you that the associations we represent approve of the provisions of the above bill which was introduced by Senators Levy and Warder, and which has now passed both Houses of the Legislature.

We trust that the Governor will see fit to sign this bill into law.

Respectfully,

*French, Pink, Markle & McCallion*

FRENCH, PINK, MARKLE & McCALLION

**Dinner Room Employees Union**



**LOCAL 1**

Hotel & Restaurant Employees & Bartenders International Union/AFL-CIO

88706  
DAVID SIEGAL  
President  
JORDAN FOLA  
Secretary-Treasurer

140 WEST 43rd STREET • New York, N.Y. 10036 • Tel. 212-625-3456

APR 8 REC'D

April 5, 1974

Mr. Michael Whiteman  
Counsel to the Governor  
Executive Chambers  
Albany, NY

Thank you for sending me a copy of Senate-Assembly  
Act S. 8706 - A. 10554, and requesting my views in  
regard to this matter.

I am wholeheartedly in favor of it and fully support  
the position taken by the New York State AFL-CIO.

Sincerely yours,

DAVID SIEGAL  
President

DS:eg

08

TK  
DINING ROOM EMPLOYEES UNION



LOCAL 1

Hotel & Restaurant Employees & Bartenders International Union/APL-CIO

58706

DAVID SIEGAL  
President

JEROME FINE  
Secretary

140 WEST 43rd STREET • New York, N. Y. 10036 • Tel. 212-695-3454

APR 8 REC'D

April 5, 1974

Mr. Michael Whiteman  
Counsel to the Governor  
Executive Chambers  
Albany, NY

Thank you for sending me a copy of Senate-Assembly  
Act S. 8706 - A. 10554, and requesting my views in  
regard to this matter.

I am wholeheartedly in favor of it and fully support  
the position taken by the New York State APL-CIO.

Sincerely yours,

DAVID SIEGAL  
President

DS:eg

170



# NEW YORK STATE AFL-CIO

DE WITT CLINTON HOTEL • ALBANY, N. Y. 12201 • PHONE 436-8516

ANTHONY J. CONNETT  
President

LOUIS HOLLANDER  
Secretary-Treasurer

## MEMORANDUM

## ENDORSE

1974

P. 8736  
Lery

A. 10554  
Reilly, et al  
Calendar No. 523

### Protects Worker Against Wrongful Wage Deductions

This bill prohibits wage deductions by indirect means where direct deductions would violate the statute.

There have been many instances where a prospective or current employee has been required, as a condition of obtaining or continuing in employment, to agree to reimburse the employer for monetary loss which the employer may deem attributable to him. For example, an employee whose duties involve the regular handling of cash may "agree" that after receiving his full pay he will reimburse the employer for any shortages found in his account. Likewise in relation to breakage, spoilage or damage of the employer's equipment.

A direct deduction from wages to satisfy this type of arrangement would violate Section 193 of the Labor Law since it is neither specifically authorized nor encompassed under the catch-all clause in the section "similar payments for the benefit of the employee." (Emphasis added)

Since, in most instances, agreements to reimburse the employer by separate transaction are in no sense voluntary, the Labor Department has been administratively ruling such arrangements to be unlawful, i.e., an attempt to do indirectly what cannot be done directly. A 1970 decision of the New Jersey Superior Court, Appellate Division, directly supports this interpretation. (Male v. Acme Markets, Inc., 62 Labor Cases, Par. 52, 292, 1970.) This bill, by codifying the Department's position and giving it statutory force and effect, would eliminate unnecessary litigation.

The bill is in the interest of the worker and we support its passage.

##

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# NEW YORK STATE AFL-CIO

DE WITT CLINTON HOTEL • ALBANY, N. Y. 12201 • PHONE 426-2511

RAYMOND E. CORBETT  
President

LOUIS HOLLANDER  
Secretary-Treasurer

## MEMORANDUM

### ENDORSE

1974

S. 8776  
Levy

A. 10554  
Reilly, et al  
Calendar No. 523

#### Protects Worker Against Wrongful Wage Deductions

This bill prohibits wage deductions by indirect means where direct deductions would violate the statute.

There have been many instances where a prospective or current employee has been required, as a condition of obtaining or continuing in employment, to agree to reimburse the employer for monetary loss which the employer may deem attributable to him. For example, an employee whose duties involve the regular handling of cash may "agree" that after receiving his full pay he will reimburse the employer for any shortages found in his account. Likewise in relation to breakage, spoilage or damage of the employer's equipment.

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The bill is in the interest of the worker and we support its passage.

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open-58

S 8706



100 STATE STREET, ALBANY, NEW YORK 12207 • PHONE: 518 / 462-3547

# Associated Industries of New York State, Inc.

APR 5 REC'D

FOUNDED IN 1914

April 3, 1974

Honorable Michael Whiteman  
 Counsel to the Governor  
 Executive Chamber  
 State Capitol  
 Albany, New York 12224

Dear Mr. Whiteman:

FAVORING: Senate 8706 (Levy, 4/1/74)  
 Assembly 10354 (Reilly, 4/1/74)

I have your request for our analysis, comments and recommendations concerning the above-captioned bill, which would amend the labor law in relation to deductions from wages.

This bill would prevent an employer from entering into an agreement with new employees to the effect that the employee will "agree" to reimburse the employer for any shortages found in the employer's account where the employee's duties involve the regular handling of cash.

We did not take a position on the bill in the Legislature and at this time have no objection to positive action by the Governor on the proposal.

I appreciate the opportunity to express our views.

Sincerely,

*Joseph A. Gane*  
 Joseph A. Gane  
 President

JRS/lf

S 8706

100 STATE STREET, ALBANY, NEW YORK 12207 • PHONE 518 / 485-3547



# Associated Industries of New York State, Inc.

APR 5 REC'D

FOUNDED IN 1914

April 3, 1974

Honorable Michael Whiteman  
Counsel to the Governor  
Executive Chamber  
State Capitol  
Albany, New York 12224

Dear Mr. Whiteman:

FAVORING: Senate 8706 (Levy, Warder)  
Assembly 10554 (Reilly, et al)

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We did not take a position on the bill in the Legislature and at this time have no objection to positive action by the Governor on the proposal.

I appreciate the opportunity to express our views.

Sincerely,

*Joseph R. Shaw*  
Joseph R. Shaw  
President

JRS/11



a nonprofit, nonsectarian social agency devoted to the improvement of family and community life in the city of New York since 1848

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DEPARTMENT OF PUBLIC AFFAIRS  
ARTHUR SCHIFF  
Director

March 28, 1974

Honorable Michael Whiteman  
Counsel to the Governor  
Executive Chamber  
State Capitol  
Albany, New York 12224

Re: S.8282 A.9759  
S.8289 A.9766  
S.8706 A.10554  
S.7091 A.8301

Dear Mr. Whiteman:

The Committees of the Community Service Society have not taken any position on the above bills and therefore will not be able to make any suggestions or recommendations.

If there are other matters in which you believe we may be of assistance, please feel free to call on us.

Very truly yours,

/s/ William B. Haley  
William B. Haley  
Public Affairs Counsel

WBH:jp

**Memorandum**



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
OFFICE OF EMPLOYEE RELATIONS

March 27, 1974

*S 8706*  
MAR 27 REC'D

TO: Michael Whiteman  
FROM: Howard A. Rubenstein *HR*  
SUBJECT: S 8706

In response to your inquiry, this is to advise you that the Office of Employee Relations does not oppose the enactment of the above bill.

APR 3 1974

NEW YORK STATE  
OFFICE OF PLANNING SERVICES

M E M O R A N D U M

TO: Michael Whiteman, Counsel to the Governor  
FROM: Richard A. Wiebe  
SUBJECT: Senate Bill No. 8706 (Levy, Warder)  
DATE: April 1, 1974

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You requested our comments and recommendations concerning the above-numbered bill.

This measure does not affect the functions of this Office and we have no comment to make with respect to it.

S-1706

APR 1

TO COUNSEL TO THE GOVERNOR

RE: SENATE 8706  
ASSEMBLY

Inasmuch as this bill does not appear to involve a legal problem nor to relate to the functions of the Department of Law, I am not commenting thereon. However, if there is a particular aspect of the bill upon which you wish comment, please advise me.

Dated: March 27, 1974

LOUIS J. LEFKOWITZ  
Attorney General